

carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 16 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 3, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 90 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Feb. 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred H. B. No. 298,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that do pass and be printed.

DeBERRY, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 158,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 95,

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 136,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 2, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 29,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

February 6, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

DeBerry.	Oneal.
Fellbaum.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion to Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Holbrook:

S. B. No. 166, A bill to be entitled "An Act amending Article 6562, Chapter 1, Title 113, of the Revised Statutes of the State of Texas of 1925, reducing the pay of the officers and men of the State Ranger Force, and eliminating longevity pay, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Duggan:

S. B. No. 167, A bill to be entitled "An Act providing limiting the time within which ad valorem taxes may be collected by the State, any county, municipality, or other defined subdivision, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Duggan:

S. B. No. 168, A bill to be entitled "An Act amending Article 3102, Chapter Thirteen, Revised Civil Statutes of Texas, changing the dates of holding primary elections."

Read and referred to Committee on Privileges and Elections.

By Senator Holbrook:

S. B. No. 169, A bill to be entitled "An Act making an emergency appropriation to pay the per diem provided for district attorneys in judicial districts composed of two or more counties, by Chapter 236, Acts of Regular Session, Fortieth Legislature, for the balance of the fiscal year ending August 31, 1933; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Hornsby:

S. B. No. 170, A bill to be entitled "An Act amending Sections 3, 4, 14b, 14d and 14e, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, so as to provide the license fees on motor vehicles imposed by Chapter 88, Acts of the Second Called Session of the

Forty-first Legislature, will not become delinquent until on and after April first of the calendar year for which the license fee is imposed; and prescribing a penalty for failure to comply with the terms of this Act."

Read and referred to Committee on Civil Jurisprudence.

Senators Excused.

Senator DeBerry was excused for the day on account of sickness, on motion of Senator Poage.

Senator Fellbaum was excused for the day on account of important business, on motion of Senator Martin.

Message From the House.

Hall of the House of Representatives, Austin, Texas, Feb. 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 9, Relative to payment of salaries of farm and home demonstration agents in certain counties, and for procuring needed equipment, etc., out of the Reconstruction Finance Corporation funds.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 135.

The Chair laid before the Senate as pending business the following bill:

By Senator Holbrook:

S. B. No. 135, A bill to be entitled "An Act relating to the salaries of all state officers and all state employees, except judges of the district and all appellate courts, judges of the Supreme Court Commission of Appeals, judges of the Commission in Aid of the Court of Criminal Appeals, Attorney General and those constitutional State officers whose salaries are specifically fixed by the Constitution; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The question recurred upon the pending amendment by Senator Moore.

Senator Holbrook raised the point of order that an amendment containing the same substance had previously been defeated.

Senator Moore raised the counter point of order that the previous amendment related to a different section of the bill.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order by Senator Holbrook.

The bill was passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 135 was put on its third reading and final passage by the following vote:

Yeas—26.

Blackert.	Patton.
Collie.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Absent.

Beck.	Cousins.
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Absent—Excused.

DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Absent—Excused.

DeBerry.	Oneal.
Fellbaum.	

Senate Bill No. 95.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 95, A bill to be entitled "An Act making appropriations to pay deficiency claims approved by the Governor during the fiscal years ending August 31, 1931, and August 31, 1932, respectively, and declaring an emergency."

Read second time.

Senator Greer moved to re-commit the bill to the Committee on Finance.

Senator Pace moved to table the motion. The motion to table prevailed by the following vote:

Yeas—21.

Beck.	Patton.
Blackert.	Rawlings.
Cousins.	Redditt.
Duggan.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—3.

Collie.	Moore.
Greer.	

Absent.

Poage.

Absent—Excused.

DeBerry.	Oneal.
Fellbaum.	Small.

(Pair Recorded.)

Senator Purl (present) who would vote nay, with Senator Hopkins (absent) who would vote yea.

Senator Purl sent up the following amendment:

Amend S. B. No. 95 by adding the following:

Sec. 1a. \$190,000.00 of the \$200,000 herein appropriated shall be paid out of the Special Oil and Gas Fund of the R. R. Commission.

PURL.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—21.

Beck.	Patton.
Blackert.	Rawlings.
Cousins.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—6.

Collie.	Moore.
Duggan.	Purl.
Greer.	Small.

Absent.

Poage.

Absent—Excused.

DeBerry.	Oneal.
Fellbaum.	

The bill was passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 95 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Patton.
Blackert.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—2.

Collie.	Greer.
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Absent—Excused.

DeBerry.	Oneal.
Fellbaum.	

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Cousins.
Blackert.	Duggan.

Holbrook.	Redditt.
Hopkins.	Regan.
Martin.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Rawlings.	

Nays—5.

Collie.	Moore.
Greer.	Purl.
Hornsby.	

Absent—Excused.

DeBerry.	Oneal.
Fellbaum.	

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 280, A bill to be entitled "An Act to amend Chapter 273, General Laws, Regular Session, Fortieth Legislature, fixing the salaries of judges of the Supreme Court, Court of Criminal Appeals, judges of the Supreme Court Commission of Appeals, judges of the Commission in Aid of the Court of Criminal Appeals, judges of the Courts of Civil Appeals, and district courts, including criminal district courts of this State; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 281, A bill to be entitled "An Act fixing the salaries of all State officers and all State employees, except judges of the district and all appellate courts, judges of the Supreme Court Commission of Appeals, judges of the Commission in Aid of the Court of Criminal Appeals, Attorney General, and those constitutional State officers whose salaries are specifically fixed by the Constitution; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY.

Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 280, referred to Committee on State Affairs.

H. B. No. 281, referred to Committee on State Affairs.

Motion to Set Executive Session.

Senator Martin moved that the Senate go into executive session tomorrow morning at 11:35 o'clock.

Senator Woodruff moved as a substitute that the Senate go into executive session Wednesday morning at 11 o'clock.

Senator Martin withdrew his motion in favor of the substitute motion.

The motion by Senator Woodruff prevailed.

Senate Simple Resolution No. 38.

Senator Woodruff received unanimous consent to send up the following resolution:

Whereas, The time of the Hon. Cone Johnson of Tyler, Texas, as a member of the State Highway Commission, expires February 15, 1933, and his successor has been appointed by the Governor; and

Whereas, Such appointment of such successor carries with it as designated by the Governor the Chairmanship of the State Highway Commission; and

Whereas, The term of the Hon. W. R. Ely as a member of the said State Highway Commission does not expire at this time, and the said Ely is the duly designated and acting Chairman of the State Highway Commission; and

Whereas, The law prescribes certain duties and functions to be performed by the Chairman of the Commission, and there is and would be uncertainty as to who would be the duly and legally qualified Chairman of the Commission to perform such duties and functions, in the event that the Hon. Frank L. Denison of Temple, Texas, should be confirmed by the Senate in his appointment as Chairman of the Highway Commission, which matter ought to be clarified by the legal branch of the government; and

Whereas, Article 6664 of the Revised Statutes of this State provide for the biennial appointment of one member of the Commission to serve for a term of six years, and immediately thereafter provides that the Governor shall designate one member of the Commission as Chairman; therefore, be it

Resolved, That the Hon. James V. Allred, Attorney General of Texas, be and is hereby requested to furnish the Senate the opinion of his department as to whether or not the Governor of the State, in making an appointment to fill a vacancy in the membership of the Highway Commission, can designate such appointee to be the Chairman at a time when there is a duly designated and acting Chairman of said Commission; and, further, as to when the Governor, in appointing the members of the Commission, shall designate one member to act as Chairman, that is, whether such designation can be made biennially or every six years or any other time; be it further

Resolved, That a copy of this resolution be transmitted by the Secretary of the Senate to the said Hon. James V. Allred.

WOODRUFF.

The resolution was read.

Senator Purl raised the point of order that the resolution must first be referred to a committee.

The Chair, Senator Woodward, overruled the point of order on the ground that Senator Woodruff had previously received unanimous consent to take the resolution up at this time.

The resolution was lost by the following vote:

Yeas—12.

Beck.	Neal.
Blackert.	Purl.
Duggan.	Small.
Greer.	Woodruff.
Holbrook.	Woodul.
Moore.	Woodward.

Nays—13.

Collie.	Parr.
Cousins.	Patton.
Hopkins.	Redditt.
Hornsby.	Russek.
Martin.	Sanderford.
Murphy.	Stone.
Pace.	

Absent.

Poage.	Regan.
Rawlings.	

Absent—Excused.

DeBerry.	Oneal.
Fellbaum.	

Senate Simple Resolution No. 39.

Senator Moore received unanimous consent to send up the following resolution:

Resolved by the Senate of the Forty-third Legislature, That Mrs. Effie Wilson Waldron, Secretary to Senator Purl, be granted a leave of absence with pay for three days in order that she may attend court in Dallas as a State witness, provided, however, she does not claim per diem witness fees at said proceedings.

MOORE.

Read and adopted.

Senate Bill No. 158.

The Chair laid before the Senate on its second reading S. B. No. 158.

On motion of Senator Beck the bill was laid on the table subject to call.

Adjournment.

On motion of Senator Holbrook, the Senate, at 11:58 o'clock a. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room.

Austin, Texas, Feb. 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 95 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,

Austin, Texas, Feb. 6, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 135 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

SEVENTEENTH DAY.

Senate Chamber,

Austin, Texas,

February 7, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodward.

Absent—Excused.

DeBerry.	Woodul.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Neal, Hornsby, Poage, Martin, Holbrook, and Small:

S. B. No. 171, A bill to be entitled "An Act to prohibit the purchase of motor vehicles by State officers or employees in all cases where no specific appropriation has been made authorizing the same; providing that the Comptroller be prohibited from issuing or paying any warrant in violation of this Act; limiting the price to be paid for any motor vehicle or automobile; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senators Woodward and Col-
lie:

S. B. No. 172, A bill to be entitled "An Act amending Article 2039A, Chapter 3, Title 42, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Forty-first Legislature, relating to the service of process on the State Highway Commissioner and designating said officer as the agent for such purposes in suits against non-residents for injuries inflicted within this State by non-resident operators of motor vehicles or motorcycles, so